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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,381	09/02/1999	RONALD PADALINO	CIT10123	2512

27510 7590 12/30/2003  
KILPATRICK STOCKTON LLP  
607 14TH STREET, N.W.  
SUITE 900  
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Response to Appeal Brief**

1. This action is in response to Appeal Brief filed 10/3/03.
2. The brief includes the Status of Claims: "Claims 1-5,7,8,10-13, 16-35,37,38, 56-61,70 and 76 are pending and all have been rejected." However, the status of intervening claims are missing and are required under 37 CFR 1.192 (c) (3), which requires a statement of status of *all* the claims in the application. For a template example of another case:

There are a total of 17 claims pending in this application, claims 41-54 and 56-58.

1. Claims cancelled : claims 1-40, 55.
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: claims 41-54 and 56-58
4. Claims allowed: NONE
5. Claims rejected: claims 41-54 and 56-58.

The claims on Appeal are: claims 41-54 and 56-58.

The purpose of the above is to avoid confusion as to which claims are on Appeal. 37 CFR 1.192 (c) (4).

3. The brief includes "VII Grouping of Claims" with claims that stand or fall together, but fails to present reasons thereof as required under 37 CFR 1.192 (c)(5).
4. To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192 (c) within the longest of the following Time Periods: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within

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the time period for reply to the action from which appeal has been taken: or (3) within two months from the date of the notice of appeal under 37CFR 1.191. Extensions of these time periods may be granted under 36 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:00 p.m. EST.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for At Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak 12/12/03

  
DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER